THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23708 of 2006

Dated: 16-11-2006

Between:

Doby Pagadaiah

..... PETITIONER

AND

Mandal Revenue Officer,
Tadvai Mandal, Warangal District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23708 of 2006

ORDER:

The petitioner is statedly owner of land admeasuring Acs.3.04 guntas in survey Nos.66/9 and 66/10 situated at Padigapur Village, Tadvai Mandal, Warangal District. The land is under Gundlavagu project. He alleges that due to the breach of the project, his land was inundated resulting in accumulation of huge quantity of sand in his land and adjacent land rendering the land unfit for agriculture. Therefore, he made representation dated 30-10-2006 to respondent No.1, the Mandal Revenue Officer (MRO), for permission to remove the sand. By memo dated 04-11-2006, MRO rejected permission, aggrieved by which present writ petition is filed.

I n **Bheemagari Bhaskar v. Revenue Divisional Officer, Bhongir, Nalgonda District**[1], a Division Bench of this Court to which I was a Member held that the competent authority specified in the Andhra Pradesh Minor Mineral Concession Rules, 1966 (the Rules, for short) is alone entitled to deal with the sand deposited on the land of pattadars and that pattadars cannot claim right to dispose of the sand deposited on the land by paying royalty nor can any permit be granted in their favour automatically. This Court, therefore, observed that whenever there is sand accumulation or deposit of sand on agricultural land, the owner can remove the sand keeping it in a corner of his land and inform the Mandal Revenue Officer. This Court also further observed that the owner can make an application to the District Panchayat Officer, who shall conduct auction for disposal of the sand in accordance with the Rules referred to hereinabove.

Following the Division Bench Judgment, I have also disposed of W.P.No.6901 of 2003 giving certain directions. Following the same, this writ petition is also disposed of, with the following directions and observations.

i) The petitioner may remove the sand on his land – only from his land – after informing MRO and keep it in the corner on his own land;

ii) After removing the sand and informing MRO, the petitioner may make an application to the District Panchayat Officer, who is Member-Convener of the District Level Committee as per Rule 9B of the Rules who shall auction the sand collected on the petitioner's land in accordance with the said Rules of 1966 as amended by the said G.O.

iii) The petitioner shall not be entitled to quarry sand in the vagu (stream), which allegedly situated abutting to his land, and

iv) There shall be no order as to costs.

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(**V.V.S.RAO, J**)

16th November, 2006
ghn

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[1] 2001(5) ALD 277 (D.B.)